

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC., **CIVIL ACTION**
Plaintiff, **NO. 07-CV- 02768-JP**
v. **JURY TRIAL DEMANDED**
FACEBOOK, INC. and THEFACEBOOK, LLC,
Defendants.

**DECLARATION OF HEIDI KEEFE IN SUPPORT OF
FACEBOOK'S MOTION TO COMPEL FURTHER PRODUCTION OF DOCUMENTS
AND COMPLETE INTERROGATORY RESPONSES**

I, Heidi Keefe, declare:

1. I am an attorney with White & Case LLP, counsel of record in this action for defendants Facebook, Inc. and Thefacebook, LLC (collectively “Facebook”). I make this declaration in support of Facebook’s Motion to Compel. I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein.
2. On September 14, 2007, Facebook served its First Set of Interrogatories on plaintiff Cross Atlantic Capital Partners, Inc. (“XACP”).
3. On September 26, 2007, Facebook served its Second Set of Interrogatories on XACP.
4. On September 28, 2007, Facebook served its First Set of Requests for Production of Documents on XACP.
5. On October 17, 2007, XACP served its Responses to Facebook’s First Set of Interrogatories on XACP.

6. On October 29, 2007, XACP served its Responses to Facebook's Second Set of Interrogatories on XACP.

7. On October 31, 2007, XACP served its Responses to Facebook's First Set of Request for Production of Documents on XACP.

8. On November 7, 2007, Facebook requested that XACP supplement its responses to Facebook's Interrogatory Nos. 2 and 5. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Mark Weinstein (counsel for Facebook) to Frederick Tecce (counsel for XACP), dated November 7, 2007.

9. On November 9, 2007 Facebook again asked XACP to supplement its responses to Interrogatory Nos. 2 and 5. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Heidi Keefe (counsel for Facebook) to Patrick Keenan (counsel for XACP), dated November 9, 2007.

10. On November 12, 2007 XACP responded that the information Facebook sought in Interrogatory No. 2 was not within its knowledge. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Patrick Keenan to Heidi Keefe, dated November 12, 2007.

11. In letters dated November 14 and November 28, 2007, Facebook again explained the grounds on which it is entitled to complete responses to Interrogatories Nos. 2 and 5. Attached hereto as **Exhibit D** is the true and correct copy of a letter from Mark Weinstein to Patrick Keenan, dated November 14, 2007. Attached hereto as **Exhibit E** is a true and correct copy of a letter from Mark Weinstein to Patrick Keenan, dated November 28, 2007.

12. On November 30, 2007, XACP wrote that its November 12 letter responded to Facebook's November 7 and November 28 letters. Attached hereto as **Exhibit F** is a true and correct copy of a letter from Patrick Keenan to Mark Weinstein, dated November 30, 2007.

13. The parties met and conferred telephonically over several outstanding discovery issues on December 4 and December 6, 2007, but could reach no agreement as to Interrogatory Nos. 2 and 5.

14. On December 7, 2007, XACP stated that it would supplement its interrogatory responses concerning the effective filing dates of the '629 Patent by December 21, 2007. Attached hereto as **Exhibit G** is a true and correct copy of an email from Frederick Tecce to Mark Weinstein, dated December 7, 2007.

15. On December 21, 2007, counsel for XACP notified Facebook that it was representing all named inventors of the '629 patent. Attached hereto as **Exhibit H** is a true and correct copy of a letter from Frederick Tecce to Heidi Keefe, dated December 21, 2007.

16. On December 28, 2007, Facebook notified XACP that it had not yet received the promised supplementation. Attached hereto as **Exhibit I** is a true and correct copy of a letter from Heidi Keefe to Frederick Tecce and Patrick Keenan, dated December 28, 2007.

17. On January 7, 2008, Facebook again asked XACP when it would receive the supplemental interrogatory responses that XACP had promised to produce by December 21, 2007. Attached hereto as **Exhibit J** is a true and correct copy of an email from Sam O'Rourke (counsel for Facebook) to Patrick Keenan, dated January 7, 2008.

18. On January 9, 2008, Facebook again requested that XACP supplement its response to Interrogatory No. 5. Attached hereto as **Exhibit K** is a true and correct copy of a letter from Sam O'Rourke to Patrick Keenan, dated January 9, 2008.

19. On January 15, 2008, XACP served its Supplemental Response to Facebook's Second Set of Interrogatories on Facebook. Attached hereto as **Exhibit N** is a true and correct copy of XACP's Supplemental Response to Facebook's Second Set of Interrogatories.

20. On February 5, 2008, Facebook notified XACP of the deficiencies in its document production and responses to Interrogatories Nos. 2 and 5 and asked XACP to respond to it by February 7, 2008. Attached hereto as **Exhibit L** is a true and correct copy of a letter from Sam O'Rourke to Patrick Keenan, dated February 5, 2008.

21. On February 11, 2008, XACP notified Facebook that it would not supplement its response to Interrogatory No. 5. Attached hereto as **Exhibit M** is a true and correct copy of a letter from Patrick Keenan to Sam O'Rourke, dated February 11, 2008.

22. XACP did not respond to Facebook's February 7, 2007 deadline as to XACP's deficiencies in its document production and in its response to Interrogatory No. 2.

23. As of the date of this motion, to the best of my knowledge, Facebook had received from XACP 7,163 pages of documents.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 15, 2008, in Palo Alto, California.

/s/ Heidi Keefe

Heidi Keefe

CERTIFICATE OF SERVICE

This is to hereby certify that on this 15th day of February, 2008, I caused a true and correct copy of the foregoing documents: Declaration of Heidi Keefe In Support of Facebook's Motion to Compel to be served via this Court's Electronic Filing ("ECF") System, upon the following:

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/s/ Heidi Keefe

Heidi Keefe